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WILD HORSES: ADDRESSING THE PROBLEM OF KENTUCKY'S FREE-ROAMING HORSES

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The idea of stray horses wandering the countryside seems like a relic of a bygone era. However, the surprising reality is that not only do free-roaming horses still exist, but they are also an increasing source of problems for the Bluegrass State, particularly in Eastern Kentucky.[i] In recent months, the issue of stray horses has drawn significant attention from state legislators and, as a result, important steps have been taken to solve this complicated dilemma.[ii]

For years it was common practice in Eastern Kentucky for horse owners to release their animals onto land that was owned by coal mining companies. [iii] These horses were allowed to graze on the pastureland and were usually collected during the winter months.[iv] Also, a so-called "gentleman's agreement" existed that only mares and geldings would be released, which worked to prevent unwanted breeding.[v]



(http://cdn.theatlantic.com/static/mt/assets/andrew_cohen/wildhorse%20shutterstock-body.jpg)

The situation changed dramatically after the recession in 2008.[vi] Individuals began leaving their horses behind on mining land with no intention of reclaiming them.[vii] The "gentleman's agreement" was ignored, and abandoned stallions bred with mares in the wild.[viii] The result was a population of foals that were feral due to their lack of human interaction.[ix]

The major increase in the number of stray horses after 2008 quickly led to problems for corporations, citizens, and the animals themselves. Much of the property that free-roaming horses occupy is in the process of "mine reclamation," a federally-mandated course of action that requires restoring land and wildlife to surface mining areas.[x] A multitude of stray horses grazing on this land destroys vegetation, impeding the reclamation process and necessitating reseeding.[xi] In addition, the animals pose a concern for individuals. Free-roaming horses will destroy yards and eat the paint off of cars.[xii] Moreover, in their search for food, stray horses will cross roadways and present a serious hazard for motorists.[xiii] The large number of free-roaming horses also

directly affects the animals' well being. Overpopulation has limited the amount of available food, leading to starvation and health problems.[xiv] Ailing horses are driven into areas occupied by humans in search of sustenance.[xv]

In response to these problems, state legislators passed House Bill 312.[xvi] Officially enacted on June 24, 2015, it shortens the amount of time a stray horse must be held by local officials before it can be re-homed from ninety days to fifteen days.[xvii] While the ninety day period was the second highest in the country, the current wait time is comparable to the ten day holding periods of surrounding states.[xviii] The holding period reduction softens the financial burden of sheltering these horses and allows interested owners or animal welfare groups to quickly provide much needed care.[xix] The Kentucky Department of Agriculture has also launched a website to aid owners in locating their missing horses, which helps to alleviate concerns that innocently lost animals will be re-homed before they can be found.[xx]

The overall effectiveness of House Bill 312 ultimately remains to be seen. It will be a challenge to find a large amount of people willing to pay the \$2,500 to \$3,600 a year that is required to own a horse.[xxi] Furthermore, finding a home for the numerous feral horses will be difficult. In all likelihood, more measures will be required in order to provide a satisfactory answer to the stray horse problem.

[i] Gregory A. Hall, *Bill to Address Stray Horses Passes House*, The Courier-J. (Feb. 23, 2015, 6:58 PM), <http://www.courier-journal.com/story/news/politics/ky-legislature/2015/02/23/bill-address-stray-horses-passes-house/23909185/>.

[ii] *New Law Will Protect Stray Horses*, Kentucky Humane Society, <http://www.kyhumane.org/stray-horse-hold-law> (last visited July 20, 2015).

[iii] Sarah E. Coleman, *The Stray Horses of Eastern Kentucky's Coal Mines*, HorseChannel.com (July 13, 2015), <http://www.horsechannel.com/horse-news/2015/07/the-stray-horses-of-eastern-kentuckys-coal-mines.aspx>.

[iv] *Id.*

[v] *Id.*

[vi] Chris Kenning, *Free-Roaming Horses Growing Problem in E. Kentucky*, USA TODAY (Feb. 11, 2015, 9:59 AM), <http://www.usatoday.com/story/news/nation/2015/02/10/stray-horses-a-growing-problem-in-kentucky/23199035/>.

[vii] *Id.*

[viii] Coleman, *supra* note iii.

[ix] Kenning, *supra* note vi.

[x] Dylan Lovan, *Kentucky Humane Society and Sequoia Energy Embroiled in Land Dispute Over Wild Horses*, Huffington Post Green (Dec. 12, 2012, 10:59 AM), http://www.huffingtonpost.com/2012/12/05/kentucky-humane-society-ky_n_2244737.html; Coleman, *supra* note iii.

[xi] Lovan, *supra* note x.

[xii] Kenning, *supra* note vi.

[xiii] Hall, *supra* note i.

[xiv] Coleman, *supra* note iii.

[xv] Kenning, *supra* note vi.

[xvi] *New Bill Gives Kentucky's Stray Horses a Better Chance*, horsetalk.co.nz, (Mar. 21, 2015), <http://horsetalk.co.nz/2015/03/21/new-bill-kentucky-stray-horses-better-chance/#axzz3gRGA12sx>.

[xvii] *Id.*; KRS § 259.130.

[viii] *New Bill Gives Kentucky's Stray Horses a Better Chance*, *supra* note xvi.

[ix] *Id.*

[x] Portia Williams, *Ky. Launches Stray Equine Website*, *Portsmouth Daily Times* (July 7, 2015, 3:25 PM), <http://portsmouth-dailytimes.com/news/687/ky-launches-stray-equine-website>.

[xi] Nancy S. Loving, *How Much Does a Horse Cost?*, *the Horse* (Aug. 1, 2012), <http://www.thehorse.com/articles/29502/how-much-does-a-horse-cost>.

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